

JS-6

1 Euna Kim (SBN 222141)
 ekim@reedsmith.com
 2 John D. Pingel (SBN 267310)
 jpingel@reedsmith.com
 3 Shaudee Navid (SBN 283020)
 snauid@reedsmith.com
 4 REED SMITH LLP
 101 Second Street, Suite 1800
 5 San Francisco, CA 94105
 Telephone: +1 415 543 8700
 6 Facsimile: +1 415 391 8269

7 Attorneys for Defendants
 Bank of America, N.A. (erroneously sued
 8 as "Bank of America Corporation, a
 Delaware Corporation, as successor in
 9 interest for Countrywide Home Loans
 Inc., also doing business as BAC Home
 10 Loans Servicing LP"), ReconTrust
 Company, N.A., The Bank of New York
 11 Mellon FKA The Bank of New York as
 Trustee for the benefit CWMBS, Inc. and
 12 CHL Mortgage Pass-Through Trust 2007
 – 12 Mortgage Pass-Through Certificates
 13 Series 2007-12 (erroneously sued as "The
 Bank of New York, a New York
 14 Corporation; doing business as The Bank
 of New York Mellon FKA The Bank of
 15 New York as Trustee for the benefit
 CWMBS, Inc. and CHL Mortgage Pass-
 16 Through Trust 2007 – 12 Mortgage Pass-
 Through Certificates Series 2007-12"),
 17 and Mortgage Electronic Registration
 Systems Inc.

18 IN THE UNITED STATES DISTRICT COURT
 19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 JOHN H. APRAHAMIAN, an individual,
 21 JILL C. APRAHAMIAN, an individual,

22 Plaintiffs,

23 vs.

24 BANK OF AMERICA CORPORATION,
 a Delaware Corporation, as successor in
 interest for COUNTRYWIDE HOME
 25 LOANS, INC., also doing business as
 BAC HOME LOANS SERVICING LP;
 26 RECONTRUST COMPANY, N.A.; THE
 BANK OF NEW YORK, a New York
 27 Corporation; doing business as The Bank
 of New York Mellon FKA The Bank of
 28 New York as Trustee for the benefit of

Case No. ED CV 12-01893 ABC (0Px)

**[PROPOSED] ORDER AND
 JUDGMENT**

[FED. R. CIV. P. 12(b)(6)]

Date: January 28, 2013
 Time: 10:00 a.m.
 Room: 680

Complt. Filed: October 31, 2012

Honorable Audrey B. Collins

1 CWMBS, Inc. and CHL Mortgage Pass-
2 Through Trust 2007-12 Mortgage Pass
3 Through-Certificates Series 2007-12;
4 MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a
Delaware Corporation; DOES 1
THROUGH 100 INCLUSIVE,

5 Defendants.

[Filed concurrently with Notice of
Motion and Motion to Dismiss Plaintiffs'
Complaint and Request for Judicial
Notice]

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 Upon consideration of the pleadings and papers and with GOOD CAUSE
 2 shown, Defendants Bank of America, N.A. (erroneously sued as “Bank of America
 3 Corporation, a Delaware Corporation, as successor in interest for Countrywide Home
 4 Loans Inc., also doing business as BAC Home Loans Servicing LP”), ReconTrust
 5 Company, N.A., The Bank of New York Mellon FKA The Bank of New York as
 6 Trustee for the benefit CWMBS, Inc. and CHL Mortgage Pass-Through Trust 2007 –
 7 12 Mortgage Pass-Through Certificates Series 2007-12 (erroneously sued as “The
 8 Bank of New York, a New York Corporation; doing business as The Bank of New
 9 York Mellon FKA The Bank of New York as Trustee for the benefit CWMBS, Inc.
 10 and CHL Mortgage Pass-Through Trust 2007 – 12 Mortgage Pass-Through
 11 Certificates Series 2007-12”), and Mortgage Electronic Registration Systems Inc.’s
 12 (collectively, “Defendants”) Motion to Dismiss Plaintiffs John and Jill Aprahamian’s
 13 (collectively, “Plaintiffs”) Complaint (“Complaint”) came on for regularly-noticed
 14 hearing on January 28, 2013 at 10:00 a.m. in Courtroom 680 of the above-entitled
 15 Court.

16 Upon consideration of the pleadings, the papers, and the arguments of counsel,
 17 and with GOOD CAUSE shown, Defendants’ Motion to Dismiss Plaintiffs’
 18 Complaint is **GRANTED [WITH] [WITHOUT] LEAVE TO AMEND**. As a
 19 matter of law, the Complaint fails to set forth facts sufficient to state a valid cause of
 20 action against Defendants.

1 Given the foregoing ruling, IT IS HEREBY ORDERED that Defendants are
2 DISMISSED from this action [**WITH**] [~~**WITHOUT**~~] **PREJUDICE**. A final
3 JUDGMENT OF DISMISSAL is hereby entered against Plaintiffs and in favor of
4 Defendants. Plaintiffs shall take nothing by way of any claims against Defendants and
5 Defendants are entitled to recover their costs of suit.
6

7
8 To the extent a lis pendens is recorded against the property commonly
9 identified as 3308 Via Giovanni Cir., Corona, California 92881, it is hereby expunged.
10

11 **IT IS SO ORDERED.**

12 DATED: 1/16/13

13 By



Audrey B. Collins
United States District Judge